

Application No. 10/821,659

REMARKS

Claims 13-18 are pending. By this Amendment, claims 1-5 and 9-12 are cancelled and claims 13-14 and 17-18 are amended.

Claim Rejections Under 35 U.S.C. § 103


In the Office Action of December 20, 2005, claims 1-5 and 9-12 were rejected as obvious over Dittmer '658 in view of Dang, et. al. '240. Applicant respectfully traverses these rejections. There would have been no motivation for one of skill in the art to combine the device of Dittmer '658 with the subgrade vault of Dang, et. al. '240.

Nevertheless, solely to advance prosecution of the present application, and without any waiver or disclaimer of subject matter, Applicant has amended claim 13, which was indicated to contain allowable subject matter, with all limitations of base claim 9 as suggested by the Examiner. Claims 14, 17 and 18 are amended conformingly to assure proper form and antecedent basis.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,


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